



CRL.MP(MD) No. 13837 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 04.08.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL.MP(MD) No. 13837 of 2024
in
Crl.A(MD)No.1035 of 2024

Selvaraj

...Petitioner

Vs.

The Inspector of Police
Papanasam Town Police Station,
Thanjavur District.
(Crime No.72 of 2017)

...Respondent

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the sentence and release the petitioner on bail pending disposal of this Criminal Appeal before this Court against the judgment made in S.C.No.173 of 2017 on the file of the Additional District and Sessions Judge (Fast Tract Court), Kumbakonam, dated 24.04.2024.

For Petitioner : Dr.R.Alagumani

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor



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ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioner by the Additional District and Sessions Judge (Fast Tract Court), Kumbakonam, vide Judgment dated 24.04.2024 in S.C.No.173 of 2017, he has filed this Criminal Miscellaneous Petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
294(b) IPC	Nil	Rs.1,000/- i/d to under go one month simple imprisonment
302 IPC	To undergo life imprisonment	Rs.10,000/- i/d to under go one year rigorous imprisonment

3. The deceased Iyyappan and the P.W.1 are own brothers. The case of the prosecution is that due to the previous money dispute, on 15.03.2017 at about 08.45 am while the father of the petitioner, deceased and P.W.1 were talking with



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each other near 108 Sivalayamm, the accused came to the place of occurrence and stabbed the deceased on his left chest and right elbow with a knife resulting in his death and thereafter, the present complaint was lodged by P.W.1. Based on the complaint, the respondent Police registered FIR in Crime No.72 of 2017 for the offences under Sections 294(b) and 302 of the Indian Penal Code.

4. The learned counsel appearing for the petitioner would submit that the occurrence is of the year 2017, the petitioner was on bail during trial and he has not violated the liberty granted to him during his bail and after conviction only the petitioner is in prison. He would further submit that it is the case where the deceased who is a rowdy element had earlier trespassed into the house of the petitioner and caused serious injuries to grandmother, sister and father of the petitioner and even on the date of occurrence also there was a quarrel between them on account of the deceased threatening the father of the accused. He would also submit that there are several other arguable points in this case and therefore, he prayed for suspension of sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that P.W.1, P.W.3



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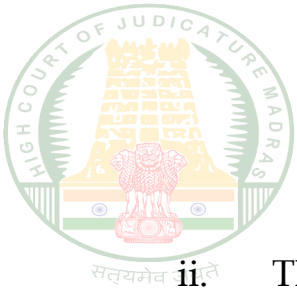
and P.W.8 are eyewitnesses to the occurrence and the bloodstained clothes of the petitioner were recovered and it tallied with the blood group of the deceased, thereby, he would vehemently oppose for grant of bail to the petitioner.

6. Heard the learned counsel on either side and perused the materials available on record.

7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

8. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge (Fast Tract Court), Kumbakonam.



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ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall stay at Kanyakumari District and report before the Inspector of Police, Kottar Police Station, Nagercoil daily at 10.30 a.m., until further orders.

iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
04/08/2025

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05/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE(FAST TRACK COURT),
KUMBAKONAM.

2.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

<https://www.mhc.tn.gov.in/judis>



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3.THE INSPECTOR OF POLICE,
PAPANASAM TOWN POLICE STATION,
THANJAVUR DISTRICT.

4.THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.ALAGUMANI, Advocate (SR-8370[I] dated 04/08/2025)

ORDER
IN
CRL MP(MD) No.13837 of 2024
Date :04/08/2025

SBN/05.08.2025 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023